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**FAX TRANSMISSION****DATE:** August 10, 2005**PTO IDENTIFIER:** Application Number 10/825,456-Conf. #8332  
Patent Number**Inventor:** Michael P. Cunningham et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** RADER, FISHMAN & GRAUER PLLC

Michael B. Stewart

**PHONE:** (248) 594-0633**Attorney Dkt. #:** 65042-0443**PAGES (Including Cover Sheet):** 5**CONTENTS:** Response to Restriction Requirement (with Traverse) (3 pages)  
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PTO/SB/97 (09-04)

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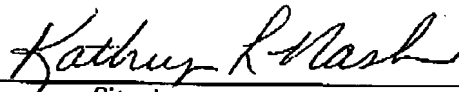
Application No. (if known): 10/825,456

Attorney Docket No.: 65042-0443

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Response to Restriction Requirement (with Traverse) (3 pages)

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(Kathryn L. Nash)Docket No.: 65042-0443  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Cunningham et al.

Application No.: 10/825,456

Confirmation No.: 8332

Filed: April 15, 2004

Art Unit: 3612

For: SECUREMENT MECHANISM INCLUDING  
TOP LOADING TIE DOWN CLEAT  
ASSEMBLY AND LOCKING MEMBER

Examiner: Hillary Gutman

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 28, 2005, applicants hereby provisionally elect Species B for continued examination, with traverse.

The Examiner has required restriction between:

Species A. Figures 1 - 7 and claim 15

Species B. Figures 8 - 15 and claims 13, 17, and 19

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the Examiner asserts that the claimed subject matter is classified a patentable distinct Species.

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Applicants respectfully submit that even if distinct, the subject matter of the Species is sufficiently related that a thorough search for the subject matter of Species A would encompass a search for the subject matter of Species B. See MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In view of the significant overlap between the claims of Species A and B, and the presence of generic claims, namely claims 1 – 12, 14, 16, 18, and 20 – 22, it is respectfully submitted that the Examiner will be required to search art not only related to Species B, but also related to Species A as part of the analysis of the generic claims. Indeed, claims 13, 17, and 19 read on Species B. However, only claim 15 specifically reads on Species A and therefore the search and examination of the entire application can be made without serious burden. Therefore, this policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to other species in addition to the elected specie, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.


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Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65042-0443 from which the undersigned is authorized to draw.

Dated: 08/19/05

Respectfully submitted,

By 

Michael B. Stewart

Registration No.: 36,018

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